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April 3, 2019

VIA ECF

Magistrate Judge Cheryl L. Pollak
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Burnett, et al. v. Wahlburgers Franchising LLC, et al.*
Case No.: 1:16-cv-04602 (WFK)(CLP)

Dear Judge Pollak:

As Your Honor is aware, my firm represents Wahlburgers Franchising LLC in this matter. Per the minute entry and instructions of the Court on March 29, 2019, we write to request the dismissal of the claims of Richard Serpica for failure to prosecute and failure to comply with Court orders.

On March 6, 2019, this Court ordered Serpica to execute a stipulation of dismissal by March 13, 2019. (Dk. 66). Upon his failure to do so, the Court ordered his appearance for a deposition on March 29, 2019, with sanctions possible for failure to appear. *Id.* Serpica neither executed the stipulation nor appeared for a deposition. Accordingly, Wahlburgers Franchising LLC requests that the Court dismiss Serpica's claims against it.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Ryan Sestack
Ryan Sestack

cc: All Counsel of Record (*via* ECF only)